

103

NUDELMAN SETTLEMENT TELECONFERENCE

TELEPHONE CALL RECORD

DATE: 1/18/88 TIME IN: 9:30 TIME OUT: 10:45

ROUTING

A) CALL FROM: Debra Hilsman/Eileen Hayes/ Bill Hedgebeth
TITLE : Attorney/ PCB Case Reviewer/PCB Case Reviewer

CASE FILE

LOCATION AND ORC
PHONE NO. :

ENFORCEMENT
SENSITIVE
ACTION NEEDED

B) CALL TO : David Blount/Marvin Nudelman/Russ Bunker
TITLE : Attorney/ Respondent/Engineering Consultant

LOCATION AND PHONE NO. : Portland, Oregon

[illegible]

SUMMARY OF CALL:

Deborah Hilsman: Made opening remarks and introductions

Blount: Will send case citations he referred to in his letter, but does now feel they may not apply.

Eileen Hayes : Will go through violations - 1

Eileen: Violation 1 - Improper disposal - leaking transformer

Blount - Understands assumption rule - Mr. Nudelman has informed him that he purchased transformer in question from BPA - Gordon Davis of BPA told Mr. Nudelman EPA's requirements had been met., BPA invoices do not identify transformers per se. Have contacted BPA to request info. Con tacted BPA General Counsel to discuss - BPA does not go by xformers serial numbers they assign their own BPA number - Contacted G.E. - G.E. -has no information on the transformer Believes field inspector should have sampled at the time of the inspection when he had the opportunity but didn't. Bunker from Sweet Edwards took wipe sample test from area transformer Bunker: transformer body 16" x 23" (approx) Transformer is tilted to south (due to land on which transformer is sitting. South side of trans body leans to south - at some time e transformer liquid flowed from transformer - sampled mid-part of transformer body

(100 cm²) result: 24.9 ppm (see other side)

Blount: Conclusion - presumption - does not contain 500 ppm greater based on wipe sample.

Bunker: It is his opinion based on wipe sample that trans will not contain greater than 50 ppm.

Blount: Fed govt (BPA) sells elect equip to Nudelman - BPA tells Mr. Nudelman equip is in compliance w/ fed law - Mr. Nudelman has no reason to question this - has no reason to suspect he is not in compliance with env. laws - is recycling for environmental benefit - has no previous history of violations at this facility. - Doesn't feel proposed penalty is fair and does not represent penalty policy.

Eileen: Did Gordon Davis put his statement in writing to Mr. Nudelman

Blount: No

Eileen: Did Mr. Bunker take a sample of the dielectric fluid at the time he took the wipe sample.

Bunker: Did not sample fluid - only took wipe sample

Blount: Again asserts his opinion that it was inspector's responsibility to take sample

Bill: Would be unusual for inspector to test all pieces of equipment. Violation would still exist if analysis results show greater than 50 ppm. Would need sample of actual PCB content to rebut assumption - still would be technical violation.

Eileen : Read Violation TWO

Blount: This brings up some interesting issues - Bunker examined four of the bushings and found label that oil was manufactured by Shell

Shell was contacted and states no PCBs in oil. Oil name is Diala-D

Bill: Acknowledged that it is common knowledge that Diala does not contain PCBs

Blount: Inspector sampled soil - found less than 2 ppm - Allegation indicates oil not disposed of properly - Nudelman says he received bushings empty

Eileen: We have a picture that clearly shows leaking from bushings

Bill: Dis all bushings have Diala-D oil?

Bunker: Was able to read only three rest were covered in briars - but they appear to be identical

Bill: All obtained from BPA

Blount - Yes - Gordon Davis/BPA would have knowledge of - (b) (6) are trying to contact.

Violations - 3-6 unresolved based on information re: Vio 1

Break

Deborah recalled Blount at approximately 10:15

Proposed

Re: Vio 1, 3-6 would like sampling to be done on transformer - would substantially mitigate if transformer is less than 50 ppm - would want copy of analysis result - must be g.c. testing

Re Vio 2 Will dismiss if the following is agreed to:

1. Verification of nameplate of bushings on site (to verify Diala) (verify by affadavit)
2. An affadavit from Mr. Nudelman that all bushings were obtained from BPA
3. Copy of BPA purchase agreement with Nudleman
4. If all bushings are Diala, will accept as non-PCB
5. If bushings are discovered that contain other than Diala, bushings will be drained and bulk tested for PCB.

Discussed date to file answer

Deborah: Proposed January 31, 1989

Blount : Wants to check on turn around time for getting sample results will call later in week to confirm date once he has that information

Blount: Please hold

Blount: Will go ahead and do what is requested - will let know if turn around a problem